



Ontario

**THE JUDICIAL APPOINTMENTS ADVISORY COMMITTEE**

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**ANNUAL REPORT**

for the Period from

**1 January 1999 to 31 December 1999**

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Toronto, Ontario  
January, 2000

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Persons wishing to comment on the procedures or selection criteria of the Judicial Appointments Advisory Committee are invited to write to:

The Chair  
The Judicial Appointments Advisory Committee  
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Toronto, Ontario  
M5G 2K1  
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Previous publications of the Judicial Appointments Advisory Committee:

- *Interim Report* (September, 1990);
- *Final Report and Recommendations* (June, 1992);
- *Annual Report* for the Period from 1 July 1992 to 31 December 1993 (January, 1994);
- *Annual Report* for the Period from 1 January 1994 to 28 February 1995 and for the Period from 1 March 1995 to 31 December 1995 (January, 1996);
- *Annual Report* for the Period from 1 January 1996 to 31 December 1996 (January, 1997);
- *Annual Report* for the Period from 1 January 1997 to 31 December 1997 (January, 1998);
- *Annual Report* for the Period from 1 January 1998 to 31 December 1998 (January, 1999).

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**LETTER OF TRANSMITTAL**

31 January 2000

The Honourable James M. Flaherty  
Attorney General for Ontario  
720 Bay Street, 11th Floor  
Toronto, Ontario  
M5G 2K1

Dear Mr. Attorney:

The Judicial Appointments Advisory Committee has the honour of presenting to you this report on its activity for the period from 1 January 1999 to 31 December 1999, pursuant to section 43 of the *Courts of Justice Act*. It covers all significant matters related to the recommendation to the Attorney General of suitable candidates for judicial appointment to the Ontario Court of Justice.

Respectfully yours,

J. Douglas Grenkie, Q.C.  
Chair

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## EXECUTIVE SUMMARY

1 January 1999 to 31 December 1999

The Judicial Appointments Advisory Committee was set up as a pilot project by the then Attorney General, the Honourable Ian Scott, in January 1989. Since then, the present Attorney General, the Honourable James M. Flaherty, and his predecessors, have appointed 165 judges based on Committee recommendations. Of these, 18 appointments were made between 1 January 1999 and 31 December 1999.

The highlights of Committee activity are as follows:

- G      Appointments:** Each of the 18 appointments has been made from among candidates recommended by the Committee in accordance with the first criterion, being that of professional excellence, and then on the other criteria set out in this Report.
- G      Legislation:** Amendments to the *Courts of Justice Act* that came into force on 28 February 1995 established the Judicial Appointments Advisory Committee and clothed it with legislative authority. These amendments set out in detail the composition, procedures, criteria for selection, and independent function of the Committee.
- G      Confidentiality:** The Committee continues to request the Government to pass legislation exempting its confidential information so that it shall be protected by the exemption of the *Freedom of Information and Protection of Privacy Act*.
- G      Procedure:** The Committee *continually* reviews its procedures and policies which are set forth in detail in this report.

Candidates will generally not be considered for an interview if they have any complaints registered with the Law Society. The candidate is responsible for ensuring the removal of such complaints; however, if the Committee receives sufficient information as to the complaint being frivolous or lacking in foundation, then such a complaint will not be a bar to the candidate being considered.

Candidates will generally not be considered for an interview if they have any outstanding Errors and Omissions claims registered with the Law Society. The candidate is responsible for ensuring the removal of such complaints; however, if the Committee receives sufficient information as to the complaint being frivolous or lacking in foundation, then such a complaint will not be a bar to the candidate being considered.

Members of the Committee would be prepared to consider the application of a candidate who is involved in a civil claim or proceeding if, after receiving details of the proceeding, the members are of the opinion that the nature of the claim is such that it should not prevent the candidate from being considered for a judicial appointment.

The Committee must be informed of any outstanding civil judgments, arrears in family support payments, and any past or present proposals to creditors or assignments in bankruptcy.

Members of the Committee will not consider a candidate who has a criminal record.

**PHOTO UNAVAILABLE**

**JUDICIAL APPOINTMENTS ADVISORY COMMITTEE**

*Front Row, seated (L-R)*

*The Honourable Madam Justice Annemarie E. Bonkalo, J. Douglas Grenkie (Chair),  
The Honourable Mr. Justice Robert J.K. Walmsley, Priscilla Chu (Committee Secretary)*

*Second Row, standing (L-R)*

*Harrison Arrell, Cynthia C. Wesley-Esquimaux, Jean C. Mongenais,  
The Honourable Madam Justice Lynn King, Anne-Marie Farrington*

*Back Row, standing (L-R)*

*Palmacchio Di Julio, William M. Trudell,  
The Honourable Regional Senior Justice Anton Zuraw, Beverley Johnson,  
Glenn H. Carter, Allan Day*

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## **INTRODUCTION**

On 15 December 1988, the then Attorney General, the Honourable Ian Scott, announced in the Ontario Legislature the establishment of the Judicial Appointments Advisory Committee as a pilot project, and set out its mandate:

**A**First, to develop and recommend comprehensive, sound and useful criteria for selection of appointments to the judiciary, ensuring that the best candidates are considered; and second, to interview applicants selected by it or referred to it by the Attorney General and make recommendations.**E**

On February 28, 1995 the *Courts of Justice Act* established the Committee by legislation. All appointments to the Ontario Court of Justice must be made by the Attorney General from amongst a list of applicants recommended to him by the Committee, and chosen in accordance with its own process of criteria, policies and procedures.

In 1999, the Committee met 31 times to select candidates, carry out interviews, and to determine Committee policies and procedures. This included 8 selection/business meeting days and 23 interview days. Over 180 applicants have been interviewed and 67 have been recommended, from which the Attorney General has selected and appointed 18 judges. The total number of applicants to date is 1,926 of whom 549 (29%) are women.



## **PART I** **ANALYSIS OF JUDICIAL APPOINTMENTS MADE**

### **1.0 Judges Appointed: 1 January 1999 - 31 December 1999**

During this period, there have been 18 judges appointed as a result of recommendations made by the Committee. Added to the 147 appointments previously made, this number makes a total of 165 judges appointed since the Committee began its work in 1989. However, with various transfers, etc., the current number is 152. The complement of the Ontario Court of Justice is 254 judges. Thus, 60% of all the present judges have been selected through the Committee process.

Of the 18 new appointments this calendar year, five were women, 11 came from private practice, five were formerly Crown counsel, one was a legal counsel with the Ontario Government and one was a legal officer with the judiciary. A list of these judges will be found in Appendix II.

The ages of appointees range from 38 to 56 years, and the average age was 47 years.

### **2.0 Overview of Appointments: 1 January 1989 - 31 December 1999**

The reader will find a list of all judges appointed under the Committee process in Appendix III; the Appendix lists the names in alphabetical order together with location and date of appointment.

The demographics of these appointments are set out in the following tables which show the timing of the various appointments, the legal background of the appointees, and the numbers selected for appointment from under-represented groups.

#### **TIMING OF THE APPOINTMENTS**

Reporting Period	1 Jan 1989 - 31 Oct 90	1 Nov 90 - 30 June 92	1 July 92 - 31 Dec 93	1 Jan 94 - 28 Feb 95	1 Mar 95 - 31 Dec 95	1 Jan 96 - 31 Dec 96	1 Jan 97 - 31 Dec 97	1 Jan 98 - 31 Dec 98	1 Jan 99 - 31 Dec 99	Overall Total of Appointments
Total Appointments	28	39	23	15	5	7	16	14	18	165

## **LEGAL BACKGROUND**

	1 Jan 1989 - 31 Oct 90	1 Nov 90 - 30 June 92	1 July 92 - 31 Dec 93	1 Jan 94 - 28 Feb 95	1 Mar 95 - 31 Dec 95	1 Jan 96 - 31 Dec 96	1 Jan 97 - 31 Dec 97	1 Jan 98 - 31 Dec 98	1 Jan 99 - 31 Dec 99	Total No.	Percent (N=165)
Private Practice	16	32	14	9	4	3	13	10	11	112	68%
Provincial Crown	5	3	5	6	0	4	3	3	5	34	21%
Federal Prosecutor	3	1	2	0	0	0	0	0	0	6	3%
Government	4	3	2	0	1	0	0	1	2	13	8%

#### **APPOINTMENTS FROM REPRESENTATIVE GROUPS**

The Committee continues to encourage applications from members of under-represented groups. Each advertisement for a judicial vacancy states that:

The provincial judiciary should reasonably reflect the diversity of the population it serves. Applications from members of minority groups are encouraged.

The advertisement appears in the *Ontario Reports*, which has a wide circulation amongst lawyers in the province.

In addition, advance notice of a judicial vacancy is provided to approximately 160 legal and non-legal associations, such as: the Canadian Bar Association - Ontario, the Advocacy Research Centre for the Handicapped (ARCH), the Aboriginal Legal Services of Toronto, the Canadian Association of Black Lawyers and the Metro Toronto Chinese & Southeast Asian Legal Clinic, with a request that the material be brought to the attention of their members. Committee members are prepared to attend any association meetings or groups, legal or non-legal, to discuss the appointment process and answer all questions concerning Committee procedures and criteria. Our desire is to make sure that the profession and public are fully informed about the process of judicial appointment.

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## PART II LEGISLATION

### 1.0 The Courts of Justice Statute Law Amendment Act

The amendments to the *Courts of Justice Act* were given Royal Assent in June 1994 and proclaimed on 28 February 1995. Section 43 deals with the Judicial Appointments Advisory Committee and it is included here in full, for ease of reference:

#### *Judicial Appointments Advisory Committee*

43. (1) A committee known as the Judicial Appointments Advisory Committee in English and as Comité consultatif sur les nominations à la magistrature in French is established.

#### *Composition*

(2) The Committee is composed of,

- (a) two provincial judges, appointed by the Chief Judge of the Provincial Division;
- (b) three lawyers, one appointed by The Law Society of Upper Canada, one by the Canadian Bar Association-Ontario and one by the County and District Law Presidents' Association;
- (c) seven persons who are neither judges nor lawyers, appointed by the Attorney General;
- (d) a member of the Judicial Council, appointed by it.

#### *Criteria*

(3) In the appointment of members under clauses (2) (b) and (c), the importance of reflecting, in the composition of the Committee as a whole, Ontario's linguistic duality and the diversity of its population and ensuring overall gender balance shall be recognized.

#### *Terms of Office*

(4) The members hold office for three-year terms and may be reappointed.

#### *Staggered terms*

(5) Despite subsection (4), the following applies to the first appointments made under subsection (2):

1. One of the provincial judges holds office for a two-year term.
2. The lawyer appointed by the Canadian Bar Association-Ontario holds office for a two-year term and the lawyer appointed by the County and District Law Presidents' Association holds office for a one-year term.
3. Two of the persons who are neither judges nor lawyers hold office for two-year terms and two hold office for one-year terms.

#### *Chair*

(6) The Attorney General shall designate one of the members to chair the Committee for a three-year term.

*Term of Office*

- (7) The same person may serve as chair for two or more terms.

*Function*

- (8) The function of the Committee is to make recommendations to the Attorney General for the appointment of provincial judges.

*Manner of Operating*

- (9) The Committee shall perform its function in the following manner:

1. When a judicial vacancy occurs and the Attorney General asks the Committee to make a recommendation, it shall advertise the vacancy and review all applications.
2. For every judicial vacancy with respect to which a recommendation is requested, the Committee shall give the Attorney General a ranked list of at least two candidates whom it recommends, with brief supporting reasons.
3. The Committee shall conduct the advertising and review process in accordance with criteria established by the Committee, including assessment of the professional excellence, community awareness and personal characteristics of candidates and recognition of the desirability of reflecting the diversity of Ontario society in judicial appointments.
4. The Committee may make recommendations from among candidates interviewed within the preceding year, if there is not enough time for a fresh advertising and review process.

*Qualification*

- (10) A candidate shall not be considered by the Committee unless he or she has been a member of the bar of one of the provinces or territories of Canada for at least ten years or, for an aggregate of at least ten years, has been a member of such a bar or served as a judge anywhere in Canada after being a member of such a bar.

*Recommendation by Attorney General*

- (11) The Attorney General shall recommend to the Lieutenant Governor in Council for appointment to fill a judicial vacancy only a candidate who has been recommended for that vacancy by the Committee under this section.

*Rejection of List*

- (12) The Attorney General may reject the Committee's recommendations and require it to provide a fresh list.

*Annual Report*

- (13) The Committee shall submit to the Attorney General an annual report of its activities.

*Tabling*

- (14) The Attorney General shall submit the annual report to the Lieutenant Governor in Council and shall then table the report in the assembly.\*

## PART III CONFIDENTIALITY

### 1.0 Introduction:

The Judicial Appointments Advisory Committee has developed two fundamental principles on the issue of confidentiality of committee information. These are:

- (1) information about committee process should be, and is, completely open to any person whomsoever.
- (2) information about particular candidates should be completely confidential unless released by candidates themselves.

### 2.0 Information on process and procedures

The *Courts of Justice Act*, by virtue of the amendments made in 1995, sets out very clearly that the Committee is to have 13 members of which the majority shall be lay persons, i.e. neither judges nor lawyers. The appointing bodies are required to recognize that the Committee should reflect the diversity of Ontario's population and maintain linguistic duality, minority and gender balances.

The criteria for, and the manner of, selection of candidates are outlined in this Report.

Committee members individually speak to organizations and at legal conferences to publicize the process of appointments and believe that the process should be completely open and transparent.

### 3.0 Information on Persons who are applying for Appointment

By contrast to the preceding section, the Committee goes to great lengths to protect the privacy of the applicant. These measures include:

- (1) keeping most sensitive information stored in the private homes of members, or with the Secretary at a location other than Ministry property;
- (2) keeping applicants apart on interview days;
- (3) destroying or shredding notes as soon as possible after use;

- (4) advising references that their names will not be associated with their confidential comments;
- (5) maintaining strict non-access to our files, including government personnel not associated with the Committee;
- (6) holding all meetings and interviews in non-government locations.

**4.0 Seeking Information:**

The Committee has had one major application from a citizen seeking information about a successful candidate. This application commenced in 1993 and formally concluded in 1997 at which time the Ontario Court of Appeal, overruling the Divisional Court, held that private notes of the Committee members were not available to the public under the *Freedom of Information and Protection of Privacy Act* (FIPPA). Details of this litigation are to be found in our Annual Reports of 1996 and 1997.

**5.0 What is to be done:**

The Committee has requested and continues to request the Government to amend the *Freedom of Information and Protection of Privacy Act*. The Committee wants to exempt the confidential candidate information from the operation of that Act. There is a precedent for this to be found in S.O. 1994 c.12 under which all records of the *Ontario Judicial Council* are only to be disclosed if that *Council* approve such disclosure.

It should be noted that in 1993, the Committee was an *ad hoc* body, created by the Attorney General without any statutory or regulatory authority. This is no longer so since the coming into force of the *Courts of Justice Statutory Amendment Act* on February 28, 1995. Section 43 of that Act creates the Judicial Appointments Advisory Committee as a statutory entity.

It could be argued that the decision of the Court of Appeal may no longer apply to these changed circumstances. It is the Committee's intention to continue to pursue a clear statutory exemption of all confidential material obtained by the Committee and its members so that the privacy and confidentiality issues may be definitively set to rest.

## PART IV CRITERIA FOR APPOINTMENT

It is important that eligible members of the bar and the public be aware of the criteria used by the Committee in the selection of candidates for recommendation, and for convenience, those criteria are reiterated again in this Annual Report.

The current Summary Statement of the criteria is as follows:

### 1.0 Criteria for Evaluating Candidates

#### Professional Excellence

- G** A high level of professional achievement in the area(s) of legal work in which the candidate has been engaged. Experience in the field of law relevant to the division of the Ontario Court of Justice on which the applicant wishes to serve is desirable but not essential.
- G** Involvement in professional activities that keep one up to date with changes in the law and in the administration of justice.
- G** An interest in or some aptitude for the administrative aspects of a judge's role.
- G** Good writing and communications skills.

#### Community Awareness

- G** A commitment to public service.
- G** Awareness of and an interest in knowing more about the social problems that give rise to cases coming before the courts.
- G** Sensitivity to changes in social values relating to criminal and family matters.
- G** Interest in methods of dispute resolution alternatives to formal adjudication and in community resources available for participating in the disposition of cases.

### **Personal Characteristics**

- G** An ability to listen.
- G** Respect for the essential dignity of all persons regardless of their circumstances.
- G** Politeness and consideration for others.
- G** Moral courage and high ethics.
- G** An ability to make decisions on a timely basis.
- G** Patience.
- G** Punctuality and good regular work habits.
- G** A reputation for integrity and fairness.
- G** Compassion and empathy.
- G** An absence of pomposity and authoritarian tendencies.

### **Demographics**

- G** The provincial judiciary should be reasonably representative of the population it serves. This requires overcoming the under-representation in the judicial complement of women, visible, cultural, and racial minorities and persons with a disability.

## PART V JUDICIAL APPOINTMENT PROCESS AND POLICIES

### 1.0 The Judicial Candidate Information Form:

1. All candidates must complete a typed Judicial Candidate Information Form which has been designed to elicit information that is not usually included in a standard *curriculum vitae*, such as the nature of the legal work and experience gained in various positions the candidates have held, including pre-law experience. Also, applicants are required to express their reasons for wanting to become a judge and provide an appraisal of their own qualifications for being a judge.

Candidates who send in their standard *curriculum vitae* and do not complete the Committee's form are not considered.

2. Candidates are required to provide 14 copies of the Judicial Candidate Information Form together with an authorized Security Release Form and an executed Release of Information Form in the first instance, and for subsequent applications, 14 copies of any letter requesting consideration.
3. A candidate must apply by application or letter for each and every advertised vacancy that is of interest. The Committee does not automatically consider applications on file. It is preferred that a candidate submit a new application after one year to reflect any changes in the application.
4. A Judicial Candidate Information Form is kept on file for one year. At the end of one year, a candidate is advised that his or her form is out of date and in order to maintain a current application, 14 copies of a new form should be submitted.
5. All responses to an advertisement to be considered for a judicial vacancy are acknowledged. However, due to the increased workload, it is no longer possible to continue the policy of advising candidates that they have not been selected for an interview. Instead, the acknowledgement letter states: *If you are selected for an interview, you will be contacted during the week of.....*.
6. Candidates who are interviewed and/or candidates who have been interviewed on a previous occasion and who have requested to be considered for a particular advertised vacancy are not advised as to whether they have been included in the list submitted to the Attorney General. Also, the Committee no longer advises applicants when its work has been completed and a list of recommended candidates has been submitted to

the Attorney General. Candidates who have been interviewed within the previous twelve-month period may not necessarily be re-interviewed but will still be equally considered by the Committee in determining its list of recommendations, provided that he or she has applied to be considered for the vacancy advertised.

**References:**

1. The Committee requests that a candidate does not send or have submitted letters of support.
2. The Committee requires a candidate to provide the names, **complete addresses including Postal Codes, home telephone** and business telephone numbers of his or her named references. Care should be taken to provide the correct information before submitting the form. Since the members who check the references do so during evenings and weekends, it is essential that **home telephone** numbers be provided.
3. All named references receive a letter from the Committee advising them that a candidate has provided their names for reference purposes and that they may be contacted by a member of the Committee. They are advised that they do not have to write to the Committee. Attached to the letter is a list of current Committee members.
4. The Committee maintains strict confidentiality with respect to the information provided by named references and obtained by confidential inquiries.

**2.0 Law Society and Other Outstanding Complaints and Claims**

1. Complaints as to Practice: Candidates will generally not be considered for an interview if they have any complaints registered with the Law Society. The candidate is responsible for ensuring the removal of such complaints; however, if the Committee receives sufficient information as to the complaint being frivolous or lacking in foundation, then such a complaint will not be a bar to the candidate being considered.
2. Errors and Omissions Claims: Candidates will generally not be considered for an interview if they have any outstanding Errors and Omissions claims registered with the Law Society. The candidate is responsible for ensuring the removal of such complaints; however, if the Committee receives sufficient information as to the complaint being frivolous or lacking in foundation, then such a complaint will not be a bar to the candidate being considered.
3. Civil Claims or Judgments: Members of the Committee would be prepared to consider the application of a candidate who is involved in a civil claim or proceeding if, after receiving details of the proceeding, the members are of the opinion that the nature of

the claim is such that it should not prevent the candidate from being considered for a judicial appointment.

4. Other Financial Matters: The Committee must be informed of any outstanding civil judgments, arrears in family support payments, and any past or present proposals to creditors or assignments in bankruptcy.

### **3.0 Criminal Record**

Members of the Committee will not consider a candidate who has a criminal record. It is the responsibility of the candidate to obtain a pardon.

### **4.0 Conflict of Interest Guidelines**

1. Members of the Committee cannot apply to be considered for a judicial appointment for a period of two years from the date they cease to serve as a member of the Committee.
2. No current member of the Committee can act as a reference for a candidate seeking a provincial judicial appointment.
3. Members of the Committee who have a conflict or a perceived conflict in the nature of a potential bias or prejudice in regard to a candidate must declare such conflict and refrain from taking part in the entire process for that vacancy.

### **5.0 General**

#### **Re-Interviewing Candidates**

The Committee does not maintain a pool of candidates who have previously been recommended but not appointed, or interviewed but not recommended.

It is no longer essential to re-interview a candidate who has been interviewed in the previous twelve months. An evaluation guideline is used to compare these individuals objectively. That candidate will be compared objectively and ranked along with all other persons interviewed for that vacancy so long as the candidate has requested in writing to be considered for that advertised vacancy. Nevertheless, the Committee may, in its discretion, re-interview a previously interviewed candidate, and, in fact, does so on a fairly frequent basis.

## **Communications and Marketing**

### **The Committee**

- notified approximately 160 organizations that the Committee would be pleased to attend any meetings of any group to explain its mandate, criteria and procedures. This offer extends to both legal and non-legal organizations.
- prepared a pamphlet entitled **"Where Do Judges Come From?"** for distribution to encourage applications and explain its procedures and process and the method of appointment of judges to the Ontario Court of Justice. This pamphlet was distributed by the Canadian Bar Association - Ontario to its members and is available to the public at various government offices and in languages other than English. Appendix I;
- has appeared and spoken at various legal meetings and to associations;
- has appeared and spoken at schools;
- has taken action on published misconceptions such as editorials by forwarding letters to the Editor;
- presented a legal program on the appointment process and procedures at the CBAO Institute in January, 1999.

### **Notice of Vacancies**

When a vacancy in the complement of Provincial Court Judges occurs, the Chief Justice of the Ontario Court of Justice, after considering the judicial resources required throughout Ontario, determines the location of the vacancy to be filled and advises the Attorney General accordingly. The Attorney General then requests the Committee to commence its process to identify candidates suitable for judicial appointment in order to make recommendations to him.

Set out below is a step-by-step account of how the Committee arrives at its recommendations.

#### **Advertising the Vacancy**

All vacancies are advertised in the *Ontario Reports*. The copy must be provided three weeks prior to publication date. Three weeks is allowed for applications to be received. In addition to advertising, the Committee contacts approximately 160 legal and non-legal associations with advance notice of the vacancy with a request that they bring the copy of the advertisement to the attention of their members.

### **Review of Applications by Members**

Each member is provided with a list of all candidates who respond to an advertisement plus copies of all new and updated Judicial Candidate Information Forms. Members carefully review and assess the application forms and list candidates whom they feel should proceed to the second stage of reference checks and confidential inquiries. This list is submitted to the administrator who compiles a master list of candidates who have been selected by three or more members for the purpose of making reference checks and confidential inquiries. If any member of the Committee ascertains that a possible qualified applicant for a judicial appointment has not been selected for reference checks and confidential inquiries, the member may request that the applicant's name be added to the list.

### **References and Confidential Inquiries**

Each member is provided with a list of candidates who have been selected by three or more Committee members for the purposes of reference checks and confidential inquiries. These inquiries are made of the judiciary, lawyers, law associations, community and social service organizations, plus the named references provided by the candidate. Once the reference checks and confidential inquiries are completed, the Committee meets to discuss the information obtained and to select candidates to be interviewed.

This selection meeting takes place three to four weeks after the members have received the list of candidates to be considered. (Interviews take place approximately two weeks after the selection meeting.)

### **Interviews and Recommendations to The Attorney General**

The number of candidates to be interviewed for a judicial vacancy will normally be a maximum of 16 over a two-day period. Each interview will last approximately 30 minutes. Following each interview, the Committee discusses the merits of the candidate interviewed. After the last interview for that particular vacancy, the Committee discusses the merits of the candidates interviewed, plus the merits of the candidates interviewed on a prior occasion within the year and who have applied to be considered for the current vacancy. A ranked list, together with the application form submitted by each ranked candidate, is then delivered to the Attorney General.

The letter containing the ranked list of candidates for the Attorney General is delivered to him when the requested Law Society and CPIC checks have been received and clearances obtained. These clearances are usually received approximately three weeks after the interviews have taken place.

It is at this point that the Committee's work is complete. A candidate is not notified whether

or not his or her name has been put forward in the ranked list to the Attorney General as this recommendation is personal and confidential for the Attorney General.

It should also be noted that the Committee has established a procedure to avoid delays in filling vacancies that occur unexpectedly, such as from sudden resignation, illness or death. In such cases, when so requested by the Attorney General, it may recommend candidates who have previously applied for the area of the judicial vacancy and who have been interviewed, without advertising the vacancy. This procedure will only apply to areas where there has been an advertised competition within a twelve month period. However, the policy of advertising is the procedure of preference and will only be departed from in limited circumstances.

#### **6.0 Changes in Committee Membership**

There were two changes in the membership of the Committee in 1999. Brian Greenspan, the nominee of the Law Society of Upper Canada, advised that he would be unable to continue to be a member of the Committee. William Trudell of Toronto became the nominee of the Law Society of Upper Canada on January 19, 1999. The Honourable Mr. Justice Robert Walmsley retired on December 5, 1999. The Honourable Madam Justice Annemarie Bonkalo was appointed by the Honourable Chief Justice Brian Lennox to replace Mr. Justice Walmsley.

#### **7.0 Support Staff**

Ann Kelly had been the Committee's Secretary and Administrative Officer since 1991. Her experience had proved invaluable in maintaining a high level of proficiency in all areas of the Committee's work. Ms. Kelly's personal dedication had provided the Committee with a priceless resource upon which to draw. Her insight and positive attitude enabled the Committee to proceed with its work in a pleasant environment. Unfortunately, Ms. Kelly died on August 8, 1999. An *In Memoriam* to her is included in this Annual Report.

On December 6, 1999, Priscilla Chu became the Committee Secretary and Administrative Officer. All the members of the Committee are looking forward to a close working relationship with her as they had experienced with Ms. Kelly.

The Committee also wishes to acknowledge the professionalism and commitment of Ms. Carol Chan. Her organizational skills, coupled with a congenial manner, have provided exemplary secretarial and clerical service to the Committee. In addition, the Committee wishes to thank Charlene Bartlett who continues to assist the Committee so ably.

Finally, the Committee would like to extend its appreciation to Mr. Charles Harnick, who was the Attorney General until June, 1999. On June 17, 1999, the Honourable James M. Flaherty became the Attorney General. The Committee extends its appreciation to the

Honourable James M. Flaherty for his continued support. It also wishes to acknowledge the co-operation that it has received from David Moran, Executive Assistant to the Attorney General, Warren Dunlop, Manager of Judicial Support Services of the Ministry, and Richard Tinsley and Marilyn MacDonald, at the Law Society of Upper Canada.

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## **PART VI** **LOOKING TO THE FUTURE**

### **1.0 Selection of Candidates**

Both Attorneys General have indicated publicly and in their meetings with the Committee that trial experience is of utmost importance in their selection from our recommended list of names. However, although the Committee agrees that this criterion is important, it also believes that all its criteria must be applied in assessing the merits of each applicant. Accordingly, the Committee from time to time has recommended and will continue to recommend suitable individuals who are not trial lawyers but who have achieved a professional excellence in other areas of law. The Committee was, therefore, pleased that one of the judges selected in 1999 was from the corporate law field.

Since the Attorneys General have requested the Committee to provide a larger list of candidates from diverse backgrounds in order that they may have a wider discretion in making a particular appointment, the Committee has increased the number of interviews, which has resulted in a larger number of qualified candidates being recommended to the Attorneys General. Professional excellence remains of paramount importance to the Committee.

### **2.0 Outreach**

The Committee has firmly accepted outreach as one of its roles, and will continue to invite candidates from the various under-represented sections of the legal community to seek appointment. It is looking for ways to communicate with all eligible candidates to encourage them to consider a public service through appointment to the Ontario Court of Justice.

Although there has been a steady increase in the number of students from traditionally under-represented communities entering the legal profession, the Committee recognizes that there are a number of barriers, both physical and societal, to be overcome before there will be a large enough pool to enable Ontario to reach its goal of a truly representative judiciary.

The following table shows the percentage of applications from women on an annual basis.

Year	Total of New Applications Received	Female Applicants	Percent of Female Applicants
1989	338	42	12%
1990	318	137	43%
1991	116	44	37%
1992	186	58	31%
1993	113	39	34%
1994	137	51	37%
1995	85	22	26%
1996	235	52	22%
1997	108	30	28%
1998	148	38	26%
1999	142	36	25%
<b>TOTAL</b>	<b>1926</b>	<b>549</b>	<b>29%</b>

The Committee believes that the profession, community groups and the public in general have a duty to encourage appropriate lawyers to submit applications.

In 1999, the Committee was unable to continue its policy of holding interviews outside of Toronto in order to learn more of communities to be served by a particular vacancy. However, the Committee hopes to resume this practice in 2000.

### 3.0 A Representative Committee

It is important to have representation on the Committee that is as diverse as possible. Subsection 43(3) of the amended Act establishes criteria for Committee members as follows:

**¶In the appointment of members ..., the importance of reflecting, in the composition of the Committee as a whole, Ontario's linguistic duality and the diversity of its population and ensuring overall gender balance shall be recognized.¶**

In 1999, the Committee had representation from most areas in the province and consisted of nine men and four women. Although it may not be possible for the Committee to reflect all groups at all times, a good balance has certainly enriched its deliberations. It is important that this continue.

Although the Attorney General makes the majority of appointments to the Committee, it is equally important that the remaining members appointed by the Law Society of Upper Canada, the Chief Justice, The Canadian Bar Association - Ontario, the County and District Law Presidents' Association and the Ontario Judicial Council also continue to be reflective of the population of the Province of Ontario.

## **CONCLUSION**

The Committee has established criteria and procedures that have resulted in a fair and impartial process for the appointment of judges to the Ontario Court of Justice, one that it hopes has assisted in removing any perception of unwarranted political bias or patronage in appointments to the judiciary. Also, the Committee has worked to ensure that the candidates recommended to the Attorney General possess all the required qualities set out in our criteria and are well regarded by their peers and community.

The Committee will continue its pursuit of excellence in recommending candidates for appointment as judges to the Ontario Court of Justice. The quality of the applicants whom it sees is impressive.

The majority of the Committee members are lay persons who work during the day and give extraordinarily of their time and patience to the workings of the Committee. Despite a heavy workload, Committee members work tirelessly to maintain a high level of interest in the process and derive a great deal of personal satisfaction in being part of this rewarding work.

All of which is respectfully submitted.

---

J. Douglas Grenkie, Q.C.  
*Chair*

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PHOTO UNAVAILABLE

### IN MEMORIAM

#### **ANN KELLY**

Slogging through the long and seemingly never-ending routines of JAAC work, it was always such a relief to talk to Ann. Because she ran the administrative side of the Committee's work so well, I didn't have to call her very often. But, whenever I rang her up about some problem, she was always cheerful and optimistic. The problem always got sorted out - thanks mostly to her good sense and ingenuity. And afterwards, we usually had a good laugh about it.

*Peter Russell, Past Chair*

I have grown to see Ann as a guardian angel. She helped us sort through many of life's complexities. Ann found pleasure in advancing the fortunes of others without regard to her own. As a person under her care, she oversaw my career and helped guide my decisions with a benevolent heart and invisible hand - well, almost invisible hand.

I have this re-occurring vision of Ann and I seated in my office dictating some letter on a critical issue that day. Suddenly, without notice, mid-sentence, Ann would raise her hand like some over-zealous stopping guard and instruct me that I didn't wish to express that particular thought. I was amazed how well she knew my mind - better than I (and she did). Weeks later, when I stopped by her desk inquiring after the letter for my signature, she would, without pause, simply respond, "Oh, you needn't bother. I resolved that problem by telephone last week!"

Ann, we miss you. We owe you. The only compensation appropriate to you grows in the hope that we ~~touch~~ others as you ~~touched me~~.

*Mr. Justice Lloyd M. Budzinski*

Ann Kelly was uniquely suited to perform the delicate and sensitive function she performed as Secretary to the Judicial Appointments Advisory Committee. She empathized with each candidate, offering words of encouragement and support throughout the arduous and nerve-wracking process. She made the interview a little easier to endure by flashing that warm calming smile which became her trademark. More than a few judges have commented that, if it had not been for Ann's compassionate approach during the recruitment process, they would have given up their efforts. In that respect, many of us owe her our careers.

*Mr. Justice Harvey P. Brownstone*

The thing I miss most about this very special person, whose untimely death has affected so many, is not being able to pick up the phone and hear Ann's sparkling voice and infectious laugh. From her views on the latest volume of Margaret Thatcher's biography, to her dogs' behaviour, and the judicial appointment process at large, Ann Kelly always had something to say. And people listened. Her pets, too.

Last summer, I spoke with one of her doctors. He happened to be spending a few weeks at the summer camp where my family goes. He knew of my friendship with Ann. He remarked, ~~I'm~~ concerned about how hard Ann is working. She never stops. Would you say something to her. Maybe she'll listen to a judge.~~•~~ Chagrined, I explained that it was actually the other way around ... This was the way it was with ~~Princess Ann~~.

I spoke to Ann the day before she died. We made plans to have lunch together on her first day back at work. She promised not to do too much work over her holidays. It was Larry Feldman who called me with the sad news. He remarked, ~~She died doing what she loved.~~ I wonder how many people can say that.

*Mr. Justice Eric (Rick) N. Libman*

I have had the pleasure of knowing Ann for almost 25 years, from the time she started with Justices Hogg and Hoolihan, through her years with the Ministry of the Attorney General and finally, in her administrative stewardship of the Judicial Appointments Committee. She never changed - always professional and discreet, loyal and dedicated to her work, absolutely ethical, straight forward, warm and upbeat - a role model for her friends and colleagues.

It was at our dim sum lunches - an addiction we shared - that I came to admire Ann even more, as I was able to sense her deep love of family, keen understanding of people and compassion for others. Her insights were always interesting and original.

Her contribution to making Ontario's judicial appointments process a model for the country cannot be quantified. Those of us who went through this process owe Ann so much. While she spoke to us in realistic terms, we knew she cared and was pulling for us to do well. Her support was subtle, but real. It meant a lot to those of us who were not natural interviewees. I will always be grateful to Ann for tracking me down out-of-town the morning after my less-than-stalwart performance before the Committee. I know I was not the only beneficiary over the many years she served as ~~A~~mother~~E~~ to us all.

She was one classy lady.

Rest in peace, Ann.

*Mr. Justice Larry T. Feldman*

Ann Kelly was a friend of mine and of my family.

She joined us at Hogg & Hoolihan as the firm began and took a very real part in the running of the practice. We were sad to lose her when she moved from Toronto.

Ann was a very special person, intelligent, hardworking, tactful and with a wonderful sense of fun.

She was of enormous help to the students who articled with us from year to year. In fact, we relied heavily on her in making our selection of applicants.

I was delighted to be able to work with Ann years later when she lived in Orville and came as secretary to the District Court Judge of Muskoka.

Ann loved life, her family, her friends and her many animals, both cats and dogs. We all enjoyed hearing stories of her extended animal family.

Ann made a great contribution to the Ontario Bar, probably more than any of us.

We miss her and think of her kindness, thoughtfulness and humour.

*Mr. Justice Stanton Hogg*

Ann was not just my colleague but a real pal and also a family member (I treated her like my aunt). She was a very nice, thoughtful, caring, considerate and professional lady. During the 9 years we worked together, we respected each other, shared feelings, exchanged ideas, discussed and solved problems. I learned a lot from her and I really enjoyed working with her. I still could not

believe that she is gone. Her sweet smile, hearty laughter, funny jokes and sense of humour will always be in my heart.

*Carol Chan*

I first met Ann Kelly in early 1991 when she applied to become the Secretary of the Judicial Appointments Advisory Committee. Ann appeared before a selection panel and won out over several other excellent candidates.

Committee members soon realized that we had struck gold, indeed, the mother lode, acquiring as we did, in one person, an experienced administrator, a valued colleague and a friend.

A special aspect of Ann's contribution was her extensive knowledge of the people in the justice system - Crown Attorneys, defence bar, private bar, ministry lawyers and staff, members of the Bench. She shared this with the Committee in a most helpful way.

Ann gave all our applicants encouragement and support and was most helpful to them in sorting out the paper work. A number of our present Bench have told me how much they appreciated her help.

We will miss her expertise, wise counsel and most especially her abiding friendship and good humour.

God bless Ann Kelly.

*Mr. Justice Robert J.K. Walmsley, Past Chair*

For me, she was the wonder of unexpected kindness - and whenever her name surfaced in conversation with other newly appointed colleagues - and it often did - invariably it was in the context of the same sort of unexpected kindness to them.

It was Ann Kelly who had summoned us to the interview. That alone would have been sufficient. I did not expect her to share the journey. And yet she did, quietly, unobtrusively, somehow knowing when and what measure of information would be most helpful as that journey took its course.

It was quite special. I never forgot it. And I will not forget her.

*Madam Justice Heather Katarzynch*

Almost every morning, an early call, Ann would set out for me what should be done for the

Judicial Appointments Advisory Committee. She knew the correct decisions to be made and would guide myself and the Committee in that direction. A true confidante, she was reliable and devoted. Always happy, always working for us, we shall not forget her.

*J. Douglas Grenkie, Chair*

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### A TRIBUTE

#### **■ MR. JUSTICE ROBERT J.K. WALMSLEY ■**

Robert Walmsley resigned from the Committee on December 5, 1999. Justice Walmsley was one of the original appointees to the Judicial Appointments Advisory Committee when it was established by the Honourable Ian Scott in December, 1988. He served as Chair of the Committee from April 1992 until February 1995 on which date the Committee became officially legislated under the *Courts of Justice Statutory Law Amendment Act*.

Known affectionately as the *Picton Pixie*, Justice Walmsley brought insight, camaraderie, humour and judicial sketching to the Committee. A native of Picton in Prince Edward County, Robert Walmsley practised law in Picton with his father after his call to the Bar in 1954 until 1967.

In June 1965, he was appointed an Acting Family Court Judge; he was subsequently appointed a Family Court Judge, and later a Provincial Court Judge and served as Senior Judge for the Eastern Region from June 1977 to September 1978 when he was appointed Associate Chief Judge of the Provincial Court (Family Division). He served in the latter position until September 1990 when he was appointed Special Advisor on Family Law to the Chief Judge of the Ontario Court of Justice (Provincial Division).

Justice Walmsley continues judging on a part-time basis in the Ontario Court of Justice and serves as an alternate Chair of the Ontario Review Board.

The Committee is grateful for his service.



**CURRENT MEMBERS:**

**J. Douglas Grenkie, Q.C., Morrisburg, Chair**

Called to the Ontario Bar in 1970, Mr. Grenkie is a general practitioner in Morrisburg and a partner in the firm of Gorrell, Grenkie, Leroy & Remillard with offices in Morrisburg, Cardinal and Ingleside. He is also a partner in the firm of Cass, Grenkie in Chesterville. Mr. Grenkie is an active member of the Morrisburg & District Lions Club and the S.D.&G Cornwall Shrine Club (Karnak Temple Montreal). He is a former President of the East District of the Cancer Society, Ontario Division, the founding President of the Upper Canada Playhouse and Past President of the Canadian Bar Association - Ontario. Also, Mr. Grenkie is the Conference Director of the CBAO Foreign Conference Committee, and is the representative of the CBAO on the Committee.

**Associate Chief Justice Robert Walmsley, Toronto (Past Chair) (*Retired December 5, 1999*)**

Justice Walmsley was called to the Bar in 1954 and started his legal career as a partner in a law firm in Picton, Ontario. He also acted as a part-time judge in the Eastern Region commencing 1 June 1965 and was then appointed to the Provincial Court (Family Division) on a full-time basis in August, 1968. He was then appointed as Senior Judge for the Eastern Region and the Associate Chief Judge of the Provincial Court (Family Division). In 1995 he was appointed as one of the alternate chairs of the Ontario Criminal Code Review Board (now the Ontario Review Board). Justice Walmsley was appointed to the Committee by the then Chief Judge of the Provincial Court, the Honourable Sidney B. Linden.

**Harrison Arrell, Hamilton: (Lawyer)**

Harrison Arrell has practised civil litigation in Hamilton since his call to the Bar in 1976. He has been actively involved with various legal associations throughout the Province including the Hamilton Law Association, the Advocates Society and the Hamilton Medical-Legal Society. He is Past Chair of the County and District Law Presidents' Association for Ontario. In 1997 Mr. Arrell was the recipient of the Bicentennial Award from the Law Society of Upper Canada. Mr. Arrell has also been actively involved in various community associations including Extend-A-Family, Crime Stoppers and the Disabled and Aged Regional Transportation System of Hamilton. He is a past instructor at Mohawk College in Hamilton, and is the representative of the County and District Law Presidents Association on the Committee.

**Allan Day, Toronto: (Lay Member)**

Mr. Day graduated from York University with a BA in Economics & Political Science. He is Vice-President of C.I.B.C. Wood Gundy Securities Inc., current Chairman of the Broadview Foundation which owns and operates Chester Village, a 180-bed long term care facility and an Alzheimer's facility that is located in the City of Toronto.

**Jean Mongenais, Windsor: (Lay Member)**

Monsieur Mongenais, a former high school teacher of physics, basic French and mathematics, is presently the Editor and General Manager of Le Rempart, a weekly community newspaper, a Court Interpreter and is currently a half-time student at the Faculty of Law, University of Windsor. Monsieur Mongenais has participated in many community organizations including Association de la Jeunesse Franco-Ontarienne, (regional president for several years), Association Canadienne-Francaise de l'Ontario, (regional president and member of provincial council for many years), Windsor-Essex Bilingual Clinic and Windsor Advisory Committee for the Disabled. He is currently Chair of Harmony in Action (Education and Activity Centre for mentally and physically disabled adults).

**The Honourable Justice Lynn King, Toronto**

Justice King was called to the Bar with Honours in 1973. From 1973 - 1986, she specialized in the practice of family law, first as a partner in the firm Copeland and King and later as a partner in the firm of King and Sachs, (all women law firm). Justice King was appointed to the Provincial Court (Family Division) in 1986. Prior to her appointment, Justice King was actively involved in a number of community organizations including the Rape Crisis Centre, Women's Habitat, Interval House and the Casey House Hospice. Justice King has several publications to her credit including *What Every Woman Should Know About Marriage, Separation and Divorce*, (1980). Justice King is a member of the Ontario Judicial Council and is appointed to the Committee by it.

**Palmacchio Di Iulio, Toronto: (Lay Member)**

Mr. Di Iulio, a former teacher, immigration officer, restaurateur, has been involved in the development of Villa Colombo Home for the Aged and Columbus Community Centre since 1975 and has been the Executive Director of the Villa Charities, a non-profit organization, since 1984. He is a past member of the Canadian Multiculturalism Council.

**Beverley Johnson, Toronto: (Lay Member)**

Ms. Johnson has over 20 years' experience in the field of human rights. She is currently the Human Rights Officer with the Ontario Public Service Employees Union, where she provides advice to members on human rights and employment equity issues. She is currently a member of the Ontario Federation of Labour's Human Rights Committee and the Ontario Coalition of Black Trade Unionists. Ms. Johnson is also a founding member of the Congress of Black Women (Toronto), a volunteer and former director and life time member of Metro Children's Aid Society.

**Cynthia C. Wesley-Esquimaux, Toronto: (Lay Member)**

Ms. Cynthia Wesley-Esquimaux is a former Vice Chief of the United Anishnaabeg Councils and the Chippewa Tri-Council, both regional organizations of First Nations in Southern Central Ontario. She has served as Vice President of the Barrie Native Friendship Centre and is an active member of the Starwalker Educational Foundation. Ms. Wesley-Esquimaux is an Independent Contractor/Consultant in Aboriginal Land Claims Co-ordination and Self Government, and served for two years as the Assistant Negotiator on the 1923 Williams Treaty Specific Land Claim. She has developed and coordinated several Wellness and Empowerment Conferences and Seminars, along with a number of political conferences related to the Native Self Government Process. She is President of the Pottawatomi Cultural Council and has served as Co-Chair for the Pottawatomi Nation in Canada for the past 16 years. Ms. Wesley-Esquimaux is a PhD candidate at the University of Toronto in the Department of Anthropology.

**Anne-Marie Farrington, Timmins: (Lay member)**

Ms. Farrington is the Marketing and Operational Support Manager for Air Creebec Inc. and is a member of the management team responsible for corporate planning decisions; strategic marketing in the trade to increase revenues and passenger loads; market research advertising, promotion; media relations; public relations and sales for all scheduled flights, charters and cargo operations; liaison with travel agents, business and community leaders and the Cree First Nation in Ontario and Quebec. She is also responsible for direct supervision of staff for Timmins and Montreal and 14 bases in Ontario and Quebec for counter agents, reservations, ramp and cargo services, fuellers, automotive department and building maintenance, including hiring and training of staff, budget forecast and control, purchasing/signing authority for Marketing Department and all bases.

**Glenn H. Carter, Toronto: (Lay member)**

Mr. Carter possesses a broad range of experience from the public service, personal business and volunteer pursuits. He worked in the Ontario Justice System for over 20 years, occupying a number of senior executive management positions, which included membership on various Law Society committees dealing with Legal Aid Clinic funding and Law Foundation issues. In retirement, he is engaged in a number of entrepreneurial activities including a large diversified farm and recreation operation and a historic print business which deals in reproduction art, posters and maps from the U.K. and Europe. He sits on the Central Chapter of Canada Trusts **Friends of the Environment** and on the management board of the St. Georges Society, a long standing Toronto charity and benevolent organization. He is a member of the British Canadian Chamber of Trade and Commerce, the St. Andrews Society, and the Royal Canadian Legion. He is a graduate of the University of Toronto.

**Regional Senior Justice Anton Zuraw, Hamilton**

Justice Zuraw was called to the Bar in 1967. He was in private practice until 1972 when he joined the Ministry of the Attorney General as an Assistant Crown Attorney in Hamilton, later becoming the Crown Attorney for Hamilton and the Regional Crown Attorney for what would later become Central South. He was appointed Queen's Counsel in 1979. Prior to his appointment as a judge to the Provincial Court (Criminal Division) in 1982, Justice Zuraw was a Director of the John Howard Society, President of the West Hamilton Youth Soccer Association, a Director of the Ontario Crown Attorneys' Association and a trustee of the Hamilton Law Association. He has been active in judicial management since 1987, and was appointed Regional Senior Justice in 1995 after acting in that position for some two and a half years. He is a member of the Chief Justices' Executive Committee, Chair of the Courthouse Design Committee, Chair of the Courts of Justice Committee, and Chair of the Local Administrative Judges' Committee. He is appointed by the Chief Justice of the Ontario Court of Justice.

**William M. Trudell, Toronto: (Lawyer)**

Mr. Trudell attended the University of Windsor, first graduating class and was called to the Bar in 1973. From 1973 - 1976, he practised law with Osler, Hoskin & Harcourt. From 1977 - present, he has been in private practice restricted to criminal litigation and solicitor representation at the Law Society of Upper Canada regarding matters of Discipline/Admission and Re-admission. From 1983 - 1986, Mr. Trudell was a Director of the John Howard Society; from 1983 - 1989, he was a Director of the Criminal Lawyers' Association and from 1989 - 1997, he served as Vice President of the Criminal Lawyers' Association. Mr. Trudell was also a Director of the Advocates' Society from 1990 - 1993, and is the present Toronto Chair of the Canadian Council of Criminal Defence Lawyers and was a founding Director of that organization in 1992. He is the representative of the Law Society of Upper Canada on the Committee.

**Madam Justice Annemarie E. Bonkalo, Toronto:**

Justice Bonkalo was called to the Bar in 1978 and joined the Ministry of the Attorney General as an assistant Crown Attorney for Brampton. She was appointed as a judge to the Provincial Court (Criminal Division) in 1990 and has presided in Brampton and Toronto. Justice Bonkalo was a member of the executive of the Ontario Judges Association as an elected delegate and as a member of the Constitutional Committee and Chair of the Mentor Committee. Currently, she is the Administrative Judge at the College Park court in Toronto. Justice Bonkalo is appointed to the Committee by the Chief Justice of the Ontario Court of Justice.

APPENDIX I

OUTREACH

Committee members are available to speak to your organization about the Committee and the selection process. Requests for presentations should be forwarded to:

The Secretary  
Judicial Appointments Advisory Committee  
720 Bay Street, Suite 201  
Toronto, Ontario M5G 2K1  
Telephone: (416) 326-4060  
Fax: (416) 326-4065

This leaflet is available on audio cassette and in the French language.

JANUARY, 2000

COMMITTEE MEMBERS

Mr. Douglas Grenkie, Q.C., Chair  
Representative of Canadian Bar Association  
Mornsbury Ontario

The Honourable Regional Senior Justice A.  
Zuraw  
Representative of Chief Justice  
Hamilton, Ontario

The Honourable Justice Annemarie Bonkalo  
Representative of Chief Justice  
Toronto, Ontario

The Honourable Justice Lynn King  
Representative of Ontario Judicial Council  
Toronto, Ontario

Mr. Harrison Arrell  
Representative of the County & District Law  
Presidents' Association  
Hamilton, Ontario

Mr. William Trudell  
Representative of The Law Society of Upper  
Canada  
Toronto, Ontario

Mr. Glenn Carter  
Toronto, Ontario

Mr. Allan R. Day  
Toronto, Ontario

Mr. Palmacchio Di Julio  
North York, Ontario

Ms. Anne-Marie Farrington  
Timmins, Ontario

Ms. Beverley Johnson  
Scarborough, Ontario

Mr. Jean Charles Mongenais  
Windsor, Ontario

Ms. Cynthia C. Wesley-Esquinas  
Toronto, Ontario



## WHERE DO JUDGES COME FROM?

### THE PROCESS OF APPOINTMENT OF ONTARIO PROVINCIAL JUDGES

"Judges ought to be more learned than witty, more reverend than plausible, and more advised than confident. Above all things, integrity is their portion and proper virtue."

*Lord Chancellor Bacon  
Essays: Of Judicature (1597)*

**The Judicial Appointments Advisory Committee of Ontario**

**A Brief History**

In 1988, Attorney General Ian Scott announced a three year pilot project to try a different model of appointment for Provincial Court Judges. The Judicial Appointments Advisory Committee (JAAC) began its work under the chairmanship of Professor Peter Russell with a mandate: "First, to develop and recommend comprehensive sound and useful criteria for selection of appointments to the judiciary, ensuring that the best candidates are considered; and second, to interview applicants selected by it or referred to it by the Attorney General and make recommendations."

Between 1990 and 1995, the size of the pilot committee grew from 9 to 13 persons and the committee worked at developing criteria and procedures which were reviewed, refined and eventually publicized. In 1992, under the chairmanship initially of Professor Emily Carasco and then Associate Chief Judge Robert Walmsley, the Committee issued a Final Report and prepared recommendations for draft legislation to ensure that judges in future will be appointed by a process independent of political considerations.

The JAAC was formally established on February 28, 1995 by proclamation of the Courts of Justice Act amendment passed in 1994.

The Committee began a programme of public information to tell interested people how the appointment system works.

The Judicial Appointments Advisory Committee is required to provide the Legislature with an Annual Report.

**Confidentiality**

The selection process including the application form is treated with total confidentiality.

**Independence**

The Committee is independent of the Ministry of the Attorney General and the Government.

**WHO SHOULD APPLY?**

To qualify for consideration applicants must have at least 10 years membership at the Bar in one of the provinces or territories of Canada. Applicants must have a sound knowledge of the law, an understanding of the social issues of the day and an appreciation for the cultural diversity of Ontario.

While court room experience is a distinct asset, the Committee also considers suitable candidates whose experience includes work with administrative tribunals, academia and in the social policy field.

Applications are encouraged from women, aboriginal peoples, francophones, persons with disabilities, and visible and ethnocultural minorities.

Applicants with errors and claims or complaints on file with the Law Society of Upper Canada or any other Society will not be considered until claims have been cleared.

**PROCESS**

Vacancies on the Bench are advertised in the *Ontario Reports* as the need arises. Candidates must submit 14 copies of a prescribed application form. These applications are reviewed by the Committee and a short list is prepared. The Judicial Appointments Advisory Committee meets to select candidates for interviews from the short list.

After reference checks, confidential inquiries and interviews, the Committee sends a ranked list of its recommendations to the Attorney General who is required to make the appointment from that list.

**COMPOSITION OF THE COMMITTEE**

The Legislation requires the composition of the Committee to reflect the diversity of Ontario's population, including gender, geography, racial and cultural minorities. In addition to seven (7) lay members who are appointed by the Attorney General, six (6) from the legal community are appointed by the Chief Justice of the Ontario Court of Justice, the Law Society of Upper Canada, Canadian Bar Association - Ontario and the County and District Law Presidents' Association respectively. All members serve for a term of three (3) years.

**APPENDIX II**

**JUDICIAL APPOINTMENTS RECOMMENDED BY  
THE JUDICIAL APPOINTMENTS ADVISORY COMMITTEE  
JANUARY 1999 - DECEMBER 1999**

<b>Name</b>	<b>Location</b>	<b>Effective Date</b>
Carr, David George	Kitchener	28 April 1999
Chester, Lorne Edward	Lindsay	12 July 1999
De Filippis, Joseph Anthony	Brampton	3 January 2000
Di Zio, Antonio	Toronto	3 May 1999
Dobney, Susan Gail	Toronto	28 April 1999
Dorval, Célygne S.	Ottawa •	15 March 1999
Forsyth, Frederick L.	Milton	3 May 1999
Grossman, Jack Morris	Toronto	28 April 1999
Hornblower, Geoffrey Mark	Sarnia	6 October 1999
Humphrey, Richard	Sudbury	12 July 1999
Kastner, Nancy Susan	Brampton	15 February 1999
Lalande, Randall William	Sudbury •	3 January 2000
Lambert, Martin	Sault Ste. Marie	15 February 1999
McKerlie, Kathryn L.	Stratford	3 May 1999
McLeod, Katherine Louise	Brampton	15 February 1999
Ritchie, John Malcolm	Toronto	28 April 1999
Thomas, Bruce G.	Chatham	4 May 1999
Wilkie, Peter Heward	Brampton	15 February 1999

• Denotes Designated Bilingual Position



**APPENDIX III**

**JUDICIAL APPOINTMENTS RECOMMENDED BY THE  
JUDICIAL APPOINTMENTS ADVISORY COMMITTEE  
JANUARY 1989 - DECEMBER 1999**

Name	Location	Effective Date
Agro, P.H. Marjoh	Brantford	16 September 1994
Allen, J. Elliot	Brampton	15 November 1991
Anderson, Charles D.	Brockville	5 August 1990
Atwood, Hugh K.	Brampton	4 January 1993
Austin, Deborah J.	Sarnia	1 December 1992
Baig, Dianne P.	Fort Frances	2 April 1990
Baldock, Juliet	Kitchener	24 September 1997
Baldwin, Lesley Margaret	St. Catharines	24 April 1997
Bassel, William P.	Toronto	12 April 1995
Beaman, Judith	Toronto	17 December 1997
Beatty, William George	Bracebridge	4 November 1998
Bellefontaine, Paul	Oshawa	17 December 1997
Bentley, Paul	Toronto	1 June 1992
Bigelow, Robert G.	Toronto	9 August 1993
Bishop, Peter T.	Dryden	6 September 1994
Blacklock, W. James	Brampton	25 January 1993
Blishen, Jennifer A.	Ottawa	15 January 1993
Bondy, Sharman S.	Sarnia	7 October 1998
Bonkalo, Annemarie E.	Brampton	2 April 1990
Bovard, Joseph W.	Toronto	31 December 1989
Brophy, George J.	Sarnia	02 April 1997
Brownstone, Harvey P.	Toronto	9 March 1995
Budzinski, Lloyd M.	Brampton	1 April 1992
Campbell, Hugh J.	Oshawa	7 November 1994
Carr, Ralph E.W.	Sudbury	1 July 1991

Carr, David George	Kitchener	28 April 1999
Casey, Jeff	Toronto	9 August 1993
Cavion, Bruno	Brampton	15 November 1991
Chester, Lorne Edward	Lindsay	12 July 1999
Cleary, Thomas P.	Barrie	6 June 1994
Cohen, Marion L.	Toronto	9 August 1993
Cole, David P.	Scarborough	1 March 1991
Cowan, Ian	Toronto	15 January 1997
Crawford, James C.	Oshawa	1 June 1990
Culver, Timothy A.	Kitchener	16 May 1994
De Filippis, Joseph Anthony	Brampton	3 January 2000
Di Zio, Antonio	Toronto	3 May 1999
Dobney, Susan Gail	Toronto	28 April 1999
Dorval, Célyne S.	Ottawa •	15 March 1999
Douglas, Jon-Jo Adam	Barrie	7 October 1998
Douglas, Norman S.	Brampton	16 May 1994
Dunbar, Mary F. •	Brampton	1 February 1991
Duncan, Bruce	Brampton	2 April 1997
Edward, Gethin	Brantford	1 December 1996
Evans, Kerry Patrick	Barrie	24 September 1997
Fairgrieve, David A.	Brampton	21 December 1990
Feldman, Lawrence	Toronto	17 December 1997
Finnestad, Faith M.	Toronto	12 April 1995
Flaherty, Roderick J.	Dryden	2 April 1990
Forsyth, Frederick L.	Milton	3 May 1999
Foster, Stephen E.	Newmarket	7 November 1994
Fraser, Hugh L.	Toronto	3 May 1993
Frazer, Bruce	Kitchener	13 January 1997
Gauthier, Louise L. •	Northeast Region	15 August 1992
Glaude, G. Normand N.	Elliott Lake •	17 April 1990
Glenn, Lucy C.	Chatham	16 December 1996
Gorewich, William A.	Barrie	24 September 1997
Griffiths, Peter	Brockville	22 April 1998

Grossman, Jack Morris	Toronto	28 April 1999
Hackett, Donna G.	Scarborough	21 December 1990
Hansen, Inger	Kitchener	1 February 1991
Hardman, Paddy A.	Kitchener	1 March 1991
Harris, Peter A.J.	Brampton	13 February 1995
Harris, C. Roland	Barrie	8 August 1994
Hatton, Mary Jane •	Toronto	2 April 1990
Hawke, Kathryn L.	Brampton	6 February 1995
Hearn, Gary F.	Kitchener	7 October 1998
Horkins, William	Toronto	17 December 1997
Hornblower, Geoffrey Mark	Sarnia	6 October 1999
Hryn, Peter	Toronto	1 June 1991
Humphrey, Richard	Sudbury	12 July 1999
Hunter, Stephen J.	Ottawa	1 June 1991
Isaacs, Peter R.W.	Stratford	13 February 1995
Jennis, Richard	St. Catharines	24 April 1997
Johnston, Karen E.	Oshawa	1 July 1991
Jones, Penny J.	Toronto	15 July 1991
Kastner, Nancy Susan	Brampton	15 February 1999
Katarynych, Heather L.	Central South Region	1 July 1993
Kerrigan-Brownridge, Jane	Brampton	15 January 1993
Khawly, Ramez	Sarnia	1 December 1991
Khoorshed, Minoo F.	Toronto	1 June 1992
Knazan, Brent	Toronto	15 August 1990
Krelove, Glenn D.	Barrie	7 October 1998
Kukurin, John	Sault Ste. Marie	29 May 1995
Lacavera, Alphonse T.	Welland	11 February 1998
Lafrance-Cardinal, Johanne •	Cornwall •	6 September 1994
Lalande, Randall William	Sudbury •	3 January 2000
Lambert, Martin	Sault Ste. Marie	15 February 1999
Lane, Marion E.	Brampton	1 February 1991
LeDressay, Richard	Guelph	1 December 1996
Lenz, Kenneth G.	Simcoe/Norfolk	4 July 1989

Lester, Ronald B.	Thunder Bay	1 March 1991
Libman, Rick	Barrie	15 November 1996
Linden, Sidney B.	Toronto	25 April 1990
Lindsay, Eric S.	Toronto	1 September 1990
Linhaires de Sousa, Maria T. •	Ottawa	4 July 1989
Livingstone, Deborah K.	London	31 December 1989
MacPhee, Bruce E.	Brampton	2 April 1990
Main, Robert P.	Barrie	2 April 1990
Marin, Sally E.	Toronto	9 August 1993
Marshman, Mary E. •	Windsor	15 July 1991
Masse, Rommel G.	Ottawa •	4 July 1989
McFadyen, Anne-Elisabeth E.	Sarnia	7 October 1998
McGowan, Kathleen E.	St. Catharines	1 June 1990
McGrath, Edward	St. Thomas	16 December 1998
McKerlie, Kathryn L.	Stratford	3 May 1999
McLeod, Katherine Louise	Brampton	15 February 1999
Merenda, Sal	Toronto	21 February 1996
Minard, Ronald A.	Newmarket	5 April 1993
Mocha, Cathy	Toronto	02 April 1997
Moore, John	Oshawa	17 December 1997
Morgan, J. Rhys	Toronto	15 August 1990
Morneau, Julia Ann	Owen Sound	24 April 1997
Morten, Marvin G.	Toronto	5 July 1993
Newton, Petra E.	Toronto	31 December 1989
Nicholas, Dianne M.	Ottawa	1 June 1991
O'Hara, Terrence G.	Newmarket	6 February 1995
Omatsu, Maryka J.	Toronto	1 February 1993
Ormston, Edward E.	Toronto	31 December 1989
Otter, Russel J.	Toronto	5 July 1993
Payne, John Andrew	Oshawa	16 December 1998
Phillips, Douglas W.	Windsor	1 March 1991
Pockele, Gregory A.	Stratford	2 November 1992
Ratushny, Lynn D. •	Ottawa	1 March 1991

Rawlins, Micheline A.	Windsor	15 October 1992
Ray, Sheila	Toronto	15 April 1992
Ready, Elinore A.	Brampton	21 December 1990
Regis, Gregory	Oshawa	16 December 1998
Reinhardt, Paul H.	Toronto	2 April 1990
Renaud, J.R. Giles	Cornwall	23 January 1995
Richards, Ronald J.	Toronto	21 December 1992
Ritchie, John Malcolm	Toronto	28 April 1999
Roberts, Marietta L.D.	Brampton	1 March 1991
Robson, M. Wendy (Deceased)	Peterborough	4 July 1989
Rogers, Sherrill M.	Newmarket	15 July 1991
Rosemay, Vibert T.	Brampton	1 December 1991
Salem, Harvey M.	Scarborough	1 March 1991
Schnall, Eleanor M.	London	1 March 1991
Scott, Margaret A.C.	Oshawa	15 December 1993
Shamai, Rebecca S.	Brampton	2 April 1990
Sheppard, Patrick A.	Newmarket	1 June 1991
Shilton, Bruce	Newmarket	17 June 1998
Simmons, Janet M.	Brampton	21 December 1990
Sparrow, Geraldine	Toronto	15 January 1993
Stead, W. Brian	Simcoe	1 July 1991
Stone, David M.	Oshawa	1 June 1990
Taillon, Raymond P.	Oshawa	1 July 1991
Thomas, Bruce G.	Chatham	4 May 1999
Timms, David Roger	Oshawa	1 March 1991
Vaillancourt, Charles H.	Downsview	21 December 1990
Vyse, Diane Terry	Cambridge	1 March 1991
Wake, John David	Brampton	8 August 1994
Waldman, Geraldine	Brampton	15 November 1991
Weagant, Brian	Toronto	8 May 1995
Weinper, Fern	Newmarket	17 June 1998
Westman, Colin R.	Kitchener	1 June 1990
Whetung, Timothy C.	Peterborough	1 December 1991

Wilkie, Peter Heward	Brampton	15 February 1999
Wilson, Joseph Bruce	Parry Sound	24 April 1997
Wilson, Natalie Jane	Pembroke	7 October 1998
Wolder, Theo	Brampton	1 June 1990
Wolski, William	Barrie	20 January 1997
Woolcott, Margaret F.	Brampton	4 January 1993
Wright, Peter J.	East Region	5 July 1993
Zabel, Bernd E.	Hamilton	24 April 1990

- Denotes Designated Bilingual Position
- Subsequently appointed to the Family Court Branch of the Superior Court of Justice
- Subsequently appointed to the Superior Court of Justice